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House Bill 5403, An Act Concerning Revisions to the Code of Ethics Government Administration and Elections Committee March 8, 2010

CCIA Position: Support (section 26)

The Connecticut Construction Industries Association, Inc. is the most diverse commercial construction industry trade association in Connecticut. Formed over 40 years ago, CCIA is an organization of associations, where all sectors of the commercial construction industry work together to advance and promote their shared interests. CCIA members have a long history of providing quality work for the public benefit.

CCIA is comprised of nine divisions, including the Associated General Contractors of Connecticut, Inc.; The Connecticut Road Builders Association, Inc.; Utility Contractors Association of Connecticut, Inc.; The Connecticut Ready Mixed Concrete Association, Inc.; and Connecticut Asphalt and Aggregate Producers Association. CCIA has more than 350 members statewide, including contractors, subcontractors, suppliers, and professional organizations that service the construction industry.

CCIA supports section 26 of House Bill 5403, An Act Concerning Revisions to the Code of Ethics, and respectfully requests that the committee approve the provision. CCIA would like to thank the Committee for raising the bill and the Citizen's Ethics Advisory Board of the Office of State Ethics for its continued support. Also, we would like to commend the Office of State Ethics and its staff for the opportunity to work with them on this important issue and for all their efforts in working to improve the law.

Under section 26 of the bill, state contractors would be afforded a hearing before the Office of State Ethics prior to being deemed a non-responsible bidder for violating certain state ethics laws. CCIA is a proponent of the bill because, in its current form, the law can be easily misinterpreted to allow a state agency to find a contractor non-responsible for violating the four specified provisions of the ethics law without a hearing.

Section 26 of HB 5403 should be approved because it would provide fairness and due process for state contractors, there is significant support to amend the law, and the current law may inadvertently lead to significant collateral consequences for legitimate state contractors without due process.

It would be unfair for an agency to deem a contractor non-responsible for a violation of the law without the opportunity for a hearing before the Office of State Ethics and the right to appeal. A contractor deemed non-responsible by a state agency would be subject to severe consequences, including being ineligible to bid on state contracts.



A similar amendment to Conn. Gen. Stat. §1-101nn was approved overwhelmingly by the legislature as part of contract reform legislation on two prior occasions but the bills were vetoed by the Governor for other reasons. During the 2009 legislative session, a similar provision was approved unanimously by the Government Administration and Elections Committee; it was not acted on by the House, presumably for reasons unrelated to the provision. The change is not controversial and enjoys widespread support in the legislature.

Please contact Matthew Hallisey, Director of Government Relations and Legislative Counsel for CCLA at (860) 529-6855, if you have any questions or for additional information.